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AUG 10 2009

OFFICE OF PETITIONS

In re Application of :
Schubert, et al. :
Application No. 10/534,240 : ON PETITION
Filed: October 24, 2005 :
Attorney Docket No. HM-621PCT :
:

This is a decision on the petition under 37 CFR 1.137(a), filed June 30, 2009, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a showing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks item (2), the petition fee. As the petition fee is a requirement for the consideration of the

petition, and not merely the granting of the petition, the petition will not be considered on the merits until such time as the petition fee is submitted. The petition fee for a petition to revive under 37 CFR 1.137(a) is currently \$540. Petitioner submitted \$130. No authorization to charge any fee deficiency to a deposit account was found. Accordingly, on renewed petition, petitioner must submit the balance of the petition fee due.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
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By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

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Cliff Congo
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